

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EDDIE JOE BUSH,

Plaintiff,

v.

KATHY BIRDELL, and Other,  
Unknown Responsible Department  
Corrections Employees,

Defendant.

NO. CV-08-5063-RHW

**ORDER DENYING MOTIONS  
FOR DEFAULT JUDGMENT**

Before the Court are Plaintiff's Motion for Default Judgment (Ct. Rec. 17 and 24). Also before the Court is Plaintiff's Objection and Motion for the Judge's Correction (Ct. Rec. 14).

Plaintiff sought default judgment based on Defendant's failure to file responsive briefing. Since the filing of the motion, Defendant has filed an answer to the Amended Complaint. Moreover, according to the parties, the service issue has been waived. Therefore, Plaintiff's motions are moot.

In the Order granting the Motion to Dismiss, the Court stated that Plaintiff was proceeding *pro se* and *in forma pauperis*. This was in error. Plaintiff was not proceeding *in forma pauperis*; rather he paid the \$350.00 filing fee.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Default Judgment (Ct. Rec. 17 and 24) is **DENIED**, as moot.

2. Plaintiff's Objection and Motion for the Judge's Correction (Ct. Rec. 14) is **GRANTED**.

1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 Order and forward copies to Plaintiff and counsel.

3       **DATED** this 4th day of March, 2009.

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5                               *s/Robert H. Whaley*

6                               ROBERT H. WHALEY  
7                               Chief United States District Judge

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